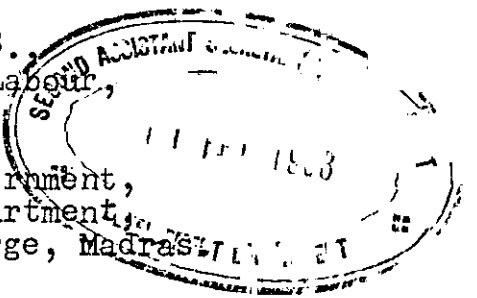
Govt
Govt
Govt

A.4.3064/53

Office of the
Commissioner of Labour,
Chepauk Madras.5., Post Box No.429,
Dt. 5--2--53.

From

Sri C.G. Reddi, I.A.S.,
Commissioner of Labour,
Madras.



15929

To

The Secretary to Government,
Development Department,
Fort St. George, Madras.

Sir,

Sub: Labour-Dispute-Dispute between the workers and the management of Kanara Tile Factory Boloor Mangalore in respect of dismissal of 10 workers and refusal to give work to 60 workers-Recommendation for adjudication.

---

pp. 3-4 Inf. I send herewith the conciliation report No.4462/52 dated 17-1-53 from the Labour Officer, Kozhikode.

The issues mentioned in the Labour Officer's report may be referred to the Industrial Tribunal, Coimbatore for adjudication.

K. V. Parthasarathy
for Commissioner of Labour.

NG. 6/2.

9/2

Ref:4462/52

3064

From:

Sri K.D.Purushothaman, B.A.

Labour Officer, Kozhikode

Camp: Mangalore.

To

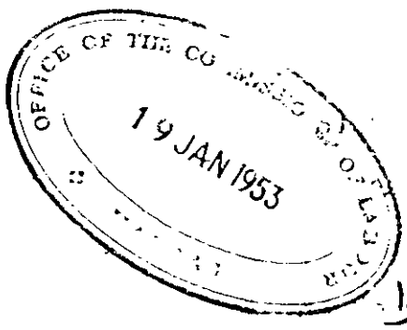
The Secretary Development Department.

Through;
The Commissioner of Labour
Fort St.George, MADRAS.

Dated 19-1-53

Sir,

Sub: Labour dispute- Dispute between the workers and the Management of Kanara Tile Factory Boloor Mangalore-in respect of dismissal 10 workers and refusal to give work- to 60 workers - Conciliation failure of:-



Ref: Letter dated 25-12-52 from the Mangalore Tile Workers Union.

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1 The Secretary of the Union in his letter cited has stated that the proprietor of the Kanara Tile Factory has made a lock-out on 23-12-52 and put up the following demands to be conceded by the Management

(1) Balance of D.A. for the month of Nov.1952 which was to have been paid on the 5th Dec.52.

(2) The date of payment of Bonus to be announced.

(3) Full payment of compensation for the period of unemployment with effect from 23-12-52.

2 On receipt of this letter I sent a telegram to the Proprietor on the 5th January, '53 to give work to the workers pending conciliation. I have also advised the Labour Leader to advise the workers to approach the Proprietor as usual for work.

3 On the 9th Jan.53 I received a letter dated 7-1-53 from the Union stating that the Proprietor refused to give work. And further added that the Proprietor dismissed ten of the workers with effect from 6-1-53.

4 I visited Mangalore on 16-1-53 and conducted conciliation proceedings to bring about a settlement. But my efforts at conciliation proved abortive.

5 The Employer states that the workers struck

4

work illegally as he delayed payment of the arrears of D.A. for the month of Nov.52. The delay was due to the fact that he had no sufficient funds to disburse the full wages for the month of Nov.52

6 However he is prepared to take back all the workers, except 10 workers who have been dismissed on 3-1-53 for misconduct, provided the workers give an undertaking in writing that they will not resort to such strikes hereafter and behave loyally to the Proprietor.

7. The Workers are not prepared to give such an undertaking. They also want the 10 workers to be re-instated with back wages as the dismissal is unwarranted and unjustified.

8. The Management is not prepared to do any of these.

9. At present the work is being carried on with the help of 25 workers. The number of workers who are now unemployed is about 70 including the 10 dismissed workers.

Copy submitted to the C.of Labour
Copies to the Parties(2)
Copy to the Dt.Magistrate Mangalore.

17-1-53
Labour Officer
Lokshi Road
Camp Mangalore

5

Ref: 4462/52

Confidential

From:

Sri D.K.Purushothaman, B.A.

Labour Office, Kozhikode.

Camp: MANGALORE.

To

The Secretary Development Department.

Through
The Commissioner of Labour,
Fort St.George, MADRAS.

Dated 17-1-53

Sir,

Sub: Labour dispute-Dispute between the workers and the Management of Kanara Tile Factory Boloor Mangalore-in respect of dismissal of 10 workers and refusal to give work to 60 workers- conciliation failure of:-

Ref: Letter dated 25-12-52 from the Mangalore Tile Workers Union.

A In the enquiry conducted by me at Mangalore on 16-1-53 it is proved beyond reasonable doubt that the dismissal of the following workers was an act of gross injustice. The employer admitted that no enquiry was conducted to establish the misconduct of these 10 workers. He simply stated that these 10 workers are bad elements and rowdies.

(1) Vishwanath

(2) Sankappa

(3) Kunhanna

(4) Anthappa Shetty

(5) Poovappa

(6) Sheela

(7) D.Bhaghi

(8) S.Sankamma

(9) A.Sankamma

(10) Devaki.

B 2 Regarding refusal to give employment to about 60 of the workers I submit that I am of opinion that it is an unfair labour practice. The Employer seems to have got

6

angry with the workers who made a scene in front of the factory, in demanding the arrears of D.A. The enquiry also revealed that the Employer made a lock-out with effect from 23-12-52 as far as these unemployed workers are concerned. It therefore follows that the Union is justified in demanding re-instatement of all these workers with back wages without going any further into the merits of the case.

3. The claim of the Union for arrears of D.A. for November come under the Payment of Wages Act. I have therefore advised the Union to take up the matter with the I of F.Mangalore.

4 The remaining issue is in respect of the claim for Bonus. In this respect I was told by the Union leaders that Bonus is declared and they don't mind the date of announcement.

5. In conclusion I recommend the following issues to be referred to the I.T. for adjudication. The Union is a registered body and the majority of the workers are members of the Union.

ISSUES

(1) Re-instatement of the 10 dismissed workers with back wages.

(2) Re-instatement of all the 60 workers with back wages without imposing any new conditions.

17-1-53

Copy submitted to the Commissioner of Labour.

Mangalore Tile Workers' Union

(Regd. No. 1406)

ಮಂಗಳೂರು ಹಂಚಿನ ಮಜೂರರ ಸಂಘ.

President: A. KRISHNA SHETTY.
Secretary: B. NARAYANA.

Bolar Ferry Road,
MANGALORE.

SECOND ASSISTANT SECRETARY TO GOVERNMENT
24 FEB 1953
DEVELOPMENT DEPARTMENT

Ref No. .....

23rd February 1953

To

The Secretary,
Development Department,
Govt. of Madras,
MADRAS.

21749

Sir,

Sub: Dispute in Kanara Tile Factory, Bolar Mangalore-reference to Tribunal

---

For the last two and a half months the workers of the Kanara Tile Factory are without employment on account of the lock-out declared by the Management. This matter was conciliated upon by the Labour Officer, Kozhikode on 16/1/53 and the conciliation failed. The Labour Officer recommended the dispute for reference to Tribunal.

It is now more than a month but we find that the dispute has not been referred to the Tribunal. The workers are starving because it is impossible to find any alternate job. And the situation requires urgent action.

8

I therefore pray that the dispute may be referred to the Tribunal at an early date and together with it, the Proprietor may be directed to end the lock-out and resume work by employing all the workers.

Soliciting early orders,

Yours faithfully,
B. Narayana.
SECRETARY
Tile Workers' Union.

INVEST WISELY
Buy NATIONAL SAVINGS CERTIFICATES

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

सत्यमेव जयते

SECRETARY TO GOVERNMENT 0173 DEVELOPMENT DEPARTMENT

MADRAS 2 MAR A.I.O.

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By.....

Sent at.....H.....M.
To.....
By.....

Office Stamp

Handed in at (Office of Origin)	Date	Hour	Minute	Service Instructions	Words

0 HL MANGALORE KNA 2 19 SECRETARY DEVELOPMENT DEPARTMENT

FORT MADRAS

= REQUEST EARLY ORDERS KANARA TILE FACTORY DISPUTE

= SECRETARY TILE WORKERS UNION MANGALORE =

N. B --The name of the Sender, if telegraphed, should be written after, but seperated from, the text.

L.&Co.—PC/177/52 CMB 7 7 52—7 lakhs 5170/OP—177—P&T—27 6. 52

Development Department

Labour - Disputes - Dispute between the Workers and the management of the Kanara Tile Factory, Boloor, Mangalore. Reference to the Industrial Tribunal, Coimbatore, for adjudication - Ordered.

Read:

From the Commissioner of Labour letter No. A4-3064/53 dated 5-2-53.

ORDER Ms. No. 1106 Development Dated 9-3-53

The following notification will be published in the Fort St. George Gazette:-

NOTIFICATION

Whereas an Industrial dispute has arisen between the workers and the management of the Kanara Tile Factory, Boloor, Mangalore in respect of the matters mentioned in the annexure to this order;

And whereas in the opinion of ~~H.E.~~ the Governor of Madras it is necessary to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 10(1)(c) of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), ~~H.E.~~ the Governor of Madras hereby directs that the said dispute be referred for adjudication to the Industrial Tribunal, having its place of sitting at Coimbatore.

P.T.O. for annexure.

To the Ind. Tribunal, Brahmin Extension, Coimbatore.
C. of L., Madras.
Collector of South Kanara.
Superintendent, G.P., (for publication)
Secy. to Govt. of India, Ministry of Labour, New Delhi.
A.G., Madras.
Management of the Kanara Tile Factory, Boloor, Mangalore.
Secy., Mangalore Tile Workers Union, Mangalore.

12

~~ANNEXURE~~

Reinstatement of the workers who were dismissed from Service and who

ANNEXURE

(1) Reinstatement of the following dismissed workers with back wages-

Vishwanath	Sankappa
Kunhanna	Anthappa Shetty.
Poovappa	Sheela
D. Bhaghi	S. Sankamma
A. Sankamma	Devaki.

para 5 in p. 6 of

(2) Reinstatement of all the 60 workers who have been denied employment, with back wages, without imposing new conditions.

23/9/53

24/9/53

26/9/53

13

ABSTRACT.

LABOUR - Disputes - Dispute between the workers and the management of the Kanara Tile Factory, Boloor, Mangalore - Reference to the Industrial Tribunal, Coimbatore, for adjudication - ordered -

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DEVELOPMENT DEPARTMENT

G. O. Ms.No.1106 Dated 9th March, 1953.

Read:--
From the Commissioner of Labour Letter No.A.4.3064/53 dated 5--2--1953.

O R D E R

The following notification will be published in the Fort St. George Gazette:--

NOTIFICATION.

Whereas an industrial dispute has arisen between the workers and the management of the Kanara Tile Factory, Boloor, Mangalore in respect of the matters mentioned in the annexure to this order;

And whereas in the opinion of the Governor of Madras it is necessary to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 10(1)(c) of the Industrial Disputes Act, 1947(Central Act XIV of 1947), the Governor of Madras hereby directs that the said dispute be referred for adjudication to the Industrial Tribunal, having its place of sitting at Coimbatore.

J. M. LOBO PRABHU,
Secretary to Government.

To
The Industrial Tribunal, Brahmin Extension, Coimbatore.
The Commissioner of Labour, Madras.
The Collector of South Kanara.
The Superintendent, Government Press (for publication).
The Secretary to the Government of India, Ministry of Labour, NEW DELHI.
The Accountant-General, Madras.
The Management of the Kanara Tile Factory, Boloor, Mangalore.
The Secretary, Mangalore Tile Workers Union, Mangalore.

/Forwarded/By order/

Superintendent.

ANNEXURE

(1) Reinstatement of the following dismissed workers with back wages

Vishwanath; Kunhanna; Poovappa; D. Bhaghi; A. Sankamma; Sankappa; Anthappa Shetty; Sheela; S. Sankamma, Devaki.

A

(2) Reinstatement of all the 60 workers who have been denied employment, with back wages, without imposing new conditions.

/True Copy/

pan.10/3/-

15

Mangalore Tile Workers' Union.

(Regd. No. 1406)

ಮಂಗಳೂರು ಹಂಚಿನ ಮಜೂರರ ಸಂಘ.

President: A. KRISHNA SHETTY
Secretary: B. NARAYANA.

Bolar Ferry Road,
MANGALORE

Ref No.....

11th March 1953

SECOND ASSISTANT SECRETARY TO GOVERNMENT
1 Feb 1953
DEVELOPMENT DEPARTMENT

To

The Secretary,
Development Department,
Government of Madras,
MADRAS.

Sir,

We are deputing Sri A.Shantharam Pai, President of the S.K.Dt.Committee of the A.I.T.U.C. to represent our case before you with regard to the unemployment of 70 workers of the Kanara Tile Factory, Bolar, Mangalore.

The dispute arose as a result of lock-out declared by the Proprietor on 23-12-52 rendering nearly 70 workers unemployed. The Proprietor had not paid arrears of D.A. and bonus etc. Several attempts were made to arrive at an amicable settlement but in vain.

On 18-1-53 the Labour Officer, Kozhikode attempted conciliation but failed. He sent his report to the Govt. He assured that the workers that he is recommending tne dispute for reference to Industrial Tribunal.

16

The Union addressed several letters on the ubject to the Commissioner of Labour and the Govt. Till today we regret to note no action has been taken.

The workers have waited patiently all these months though they have been starving. No alternate work is available.

In about two months monsoon will set in and during that period there is generally no work in Tile factories. So if the work is to be resumed, it has to be resumed immediately. But the workers find that the matter of reference of the dispute is being delayed. And if the Tribunal takes some months more to enquire into the dispute the workers will not be stand to gain.

We therefore request you to immediately refer the matter to the Industrial Tribunal and also to order resumption of work pending final settlement by the I.T. This will save 70 workers agonies of starvation.

I therefore pray that you may be pleased to pass early orders in the matter.

Yours faithfully,
B. Narayana
Secretary
Tile Work

Dev.

Cno. 15929-PD/53

Subj:- Labour Dispute — Kanara Tile Factory, Boloor, Mangalore — Dismissal of 10 workers and denial of employment to 60 workers.

Ref:- Letter from the C.L., No. A4-3064/53 dt. 5.2.53.

The management of the Kanara Tile Factory, Boloor, Mangalore, delayed the payment of the arrears of dearness allowance for the month of November 1952 on account of insufficiency of ~~adequate~~ funds to disburse the full wages for that month. Consequently the workers are reported to have struck work illegally. The management having got angry with the illegal strikers, made a lock-out on 23.12.52 in respect of some 70 workers who had made demonstrations in front of the factory in demanding the arrears dearness allowance. The Mangalore Tile Workers Union reported the lock-out to the Labour Officer, Kozhikode, and also made the following demands on the management :-

(1) The arrears of D.A. for November 1952 should be paid.

(2) The date of payment of wages should be announced.

(3) Compensation should be paid to the workers in full for the period of unemployment from 23-12-52.

On receipt of the Union's report, the Labour Officer advised the management telegraphically to give work to the workers pending conciliation and also asked the Labour leader to advise the workers to approach the management as usual for work. Subsequently the Union complained to the Labour Officer that the management denied employment to the workers and had also dismissed 10 workers on 6.1.53. The Labour Officer then proceeded to the trouble spot and held conciliation proceedings on 16.1.53.

p 1 f

para 5 in pp. 3-4 f

para 2 in pp 5-6 f

para 1 in p 3 f

para 2 in p 3 f

para 3 in p 3 f

para 4 in p. 3 f

2. Now the factory is running with the help of 25 workers and 70 workers are unemployed including the 10 dismissed persons. The management is prepared to take back 60 workers if they give a written undertaking that they will not resort to such strikes hereafter and behave loyally. But the management has refused to reinstate the 10 dismissed workers. The Union is not prepared to give such a written undertaking as demanded by the management and also wants the dismissed workers to be reinstated with back wages as the dismissal is unwarranted and unjustified. The management has admitted that no enquiry was held before dismissing the 10 workers so as to establish their misconduct but it has contended that the 10 workers are bad elements. After enquiry, the Labour Officer has found that the denial of employment to the 60 workers is an act of gross injustice and also amounts to unfair labour practice. He has also considered that the Union is justified in demanding the reinstatement of all workers with back wages and without giving a written undertaking.

para 9 in p 4 of

para 6 in p 4 of

para 7 in p 4 of

'A' & 'B' in p 5 of

'C' in p. 6 of

3. As regards Demand no. (1) on p. 1 ante, the Labour Officer has advised the Union to take up the matter with the Inspector of Factories, Mangalore, as it relates to Payment of Wages Act. Regarding Demand no. (2) on p. 1 ante, the Union has told the Labour Officer that the bonus has been declared and that it does not mind about the date of announcement. The only issue that is in dispute is Demand no. (3) on p. 1 ante. The Labour Officer has recommended that the issue of reinstatement of 70 workers who are unemployed including the 10 dismissed persons with back wages, may be referred for adjudication. The Commissioner of Labour has agreed with the L.O. and

para 3 in p. 6 of

para 4 in p. 6 of

para 5 in p 6 of

p 7 of

14 3/4/2/12 recommends the reference for adjudication to the Ind. Tribunal, Coimbatore. The Comm's recommendation may be accepted. (Subject to order) A draft order is submitted for approval.

23.2.53.

26/2/53 S

2/3/53

M(Rel) Since the procedure for dismissal was not followed, the case may be referred to adjudication

Yrs.
Krishnaswami 9 6.3.53

27/2

N (I & L)

(Issued as G.O.Ms.No. 1106 Dev dt 9.3.53)